

## REMARKS

Appellant is filing this reply to the Examiner's Answer to respond to certain Examiner's statements made in the Answer. In particular, Appellant is responding to the Examiner's interpretation of Applicant's claimed invention and the prior art of Sezan in the "Response to Arguments" section on pp. 10-11 of the Answer.

Appellant's independent claims recite receiving (claims 1 and 32) or transmitting (claims 11 and 21) executable storage management instructions used by media storage device. The Examiner in the Answer asserts that Applicant's specification "teaches that the storage management instructions are simply data that is being executed" (Examiner's Answer, p. 10). In support of his arguments, the Examiner cites Applicant's Figure 2B and further asserts that Applicant's "memory 206 storing data in memory that directs the system to store pieces of received content" (*Id.*)

Applicant respectfully disagrees and respectfully submits that the Examiner is misquoting Applicant's specification. Applicant's Figure 2B discloses memory 206 that includes storage management instructions 206a that are executed by processor 204 to evaluate the content data (Specification, p. 17, 2<sup>nd</sup> paragraph). Furthermore, when executed by a processor, Applicant's instructions use data but cannot by themselves be properly interpreted as data. As is well known in the art, a processor executes instructions, not data.

Furthermore, the Examiner asserts that "Applicant's specification provides no suggestion or teaching as to how the actual executable storage management instructions differ from other data stored in memory [206] of Applicant's system" (Examiner's Answer, p. 10). Applicant respectfully submits that Applicant is not required to disclose each and every feature claimed. "[N]ot everything necessary to practice the invention need be disclosed. In fact, what is well-known is best omitted" (MPEP §2164.08). It is well-known in the art that a processor executes instructions using data and that data itself is not executed by a processor. Therefore, Applicant respectfully submits that Applicant's specification need not disclose how executable storage management instructions differ from data because the difference is well-known in the art.

Lastly, the Examiner asserts that because Sezan's description scheme data is being used by Sezan's system to manage portions of data, this description scheme can be equated with Applicant's executable instruction. Applicant respectfully disagrees. Sezan discloses various modules that process description schemes in a hardware system to manage portions of data. For example, the analysis module evaluates the user description scheme data to trigger highlight functionality for a particular program. Because the modules process the description scheme, the description scheme must be interpreted as data and not as an executable instruction. Therefore, Sezan's description scheme cannot be properly equated with Applicant's claimed executable storage management instructions.

Therefore, Applicant properly discloses executable storage management instructions that are different from mere data. Furthermore, Sezan's description scheme cannot be properly equated with Applicant's claimed executable storage management instructions.

### **SUMMARY**

Claims 1-14, 16-24, and 26-35 are currently pending. In view of the foregoing and remarks, Appellant respectfully submits that the pending claims are in condition for allowance. Appellant respectfully requests the Board to remove the Examiner's objection and allow the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.


### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: August 13, 2008

  
Eric S. Replogle  
Registration No. 52,161

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300 x7514